



UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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JUN 25 2002

BRINKS, HOFER, GILSON & LIONE
IN RE: ALTICOR INC.
P.O. BOX 10395
CHICAGO IL 60610

#10

In re Application of :
Ernesto Brovelli et al :
Serial No.: 09/575,307 : PETITION DECISION TO RESTART
Filed: May 19, 2000 : PERIOD FOR REPLY
Attorney Docket No.: 3086/1154 :
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This is in response to applicant's petition under 37 CFR 1.181, filed Jun 18, 2002, requesting restarting of the period for reply.

A review of the file history shows the examiner mailed a non-final Office action to applicants on February 27, 2002, setting a three month shortened statutory period for reply. Applicants state that they did not receive the Office, but provide no evidence that the Office action was not received. A statement alone does not suffice, but evidence from mail received logs or docketing systems must accompany a request to restart a period for reply. While applicants provide an observation that approximately 5% of mail was not received from the Office due to anthrax problems, this occurred only during the last quarter of 2001. The above Office action was mailed more than two months thereafter when few, if any, problems remained and is outside the period set in the OG notice below.


Notice published in the OG in January outlines the Office policy for requesting restart of a period for reply, and state, in part, as follows:

For Office actions mailed between October 13, 2001 and January 2, 2002, the Office should grant a petition to reset a time period for reply if the following conditions are met:

- A) In order to provide a complete file history, a separate petition must be filed for each application for which a reset time period is requested;
- B) A written petition must be filed within two weeks of actual receipt of the Office action;
- C) A significant delay must have occurred - i.e. at least a month of a two or three month time period must have elapsed...;
- D) Requisite evidence of the delay may be provided by a statement stating the actual date of receipt and request that the time period be restarted as of the date of receipt;
- E) The statement must be signed by the applicant or registered practitioner.

Applicants' petition is **DISMISSED**. Applicants' may file a renewed petition providing the missing evidence and the petition will be reconsidered. Any renewed petition must be filed within TWO MONTHS of the mailing date of this decision in order to be considered timely.

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.



Bruce M. Kisliuk
Director, Technology Center 1600